

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

JAMAL BROOKS,

Defendant.

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Crim. No. 24-232

MEMORANDUM OPINION

Pending before the court is a motion to preserve law enforcement’s rough notes (ECF No. 19) filed by counsel on behalf of defendant Jamal Brooks (“Brooks”). The government filed a response to the motion (ECF No. 30). The court addressed the motion during a status conference on December 5, 2024, and it is ripe for decision.

Brooks asks the court to: (1) direct all agents who participated in the investigation to preserve their rough notes; and (2) instruct the government to identify any rough notes that cannot be found or were destroyed.

In its response, the government represents that it understands and will comply with its obligations to preserve rough notes and that it does not oppose the motion to the extent Brooks does not seek to expand the government’s obligations. The government further represents: (1) federal investigators have preserved their rough notes; (2) the government contacted local agents who participated in the investigation from January 2023 to January 2024 (prior to involvement of the federal government) and learned that many of those agents destroyed their rough notes in accordance with their departments’ policies and practices; and (3) local investigators will preserve any notes they still have and provide them to the government. The government points out that in this case, Brooks has received discovery better than the rough notes because much of the investigation was captured by bodycam and those bodycam videos were provided to Brooks.

In accordance with the government's explanation and representations, the motion to preserve rough notes (ECF No. 19) will be granted as unopposed.

An appropriate order will be entered.

Dated: January 22, 2025

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Court Judge